REMARKS

Claims 59 and 65 are currently amended. Claims 4, 25, 33, 53 and 80 have been canceled. Claims 1, 5, 22, 26, 30, 34, 50, 54, and 77 were previously amended. Claims 1-3, 5-24, 26-32, 34-52, 54-79 remain in the application for consideration. In view of the following amendments and/or remarks, Applicant respectfully requests that the application be forwarded onto issuance.

§112 Rejections

Claims 59 and 65 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

In this regard, Applicant has appropriately amended claims 59 and 65 thus traversing the Office's rejection.

§§ 102 and 103 Rejections

Claims 1-3, 5-12, 14, 15, 22-24, 26-32, 34-40, 42, 43, 50-52, 54-70, and 74-79 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,401,051 to Merriam (hereinafter "Merriam") in view of U.S. Patent No. 5,539,922 to Wang (hereinafter "Wang").

Claims 13, 16-21, 41 44-49, and 71-73 stand rejected under 35 U.S.C. §103(a) as being obvious over Merriam in view of Wang and further view of U.S. Patent No. 6,301,584 to Ranger (hereinafter "Ranger").

Before undertaking a discussion of the substance of the Office's rejections, the following discussion of the §103 Standard, as well as the references to Merriam and Wang is provided.

The § 103 Standard

To establish a prima facie case of obviousness, three basic criteria must be met. *First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.* In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1439 (Fed. Cir. 1991).

Hence, when patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness. See, e.g., *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001) ("the central question is whether there is reason to combine [the] references," a question of fact drawing on the Graham factors). The mere fact that references *can* be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must

expressly or impliedly suggest the claimed invention or *the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.*" *Ex parte Clapp*, 227 USPQ 972, 973 (Bd.Pat. App. & Inter. 1985)(emphasis added).

Chapter 2100 of the MPEP provides further instruction as follows: "[w]ith regard to rejections under 35 U.S.C. 103, the examiner must provide evidence which as a whole shows that the legal determination sought to be proved (i.e., the reference teachings establish a *prima facie* case of obviousness) is more probable than not." *See* MPEP 2142.

"The factual inquiry whether to combine references must be thorough and searching." *Id.* It must be based on objective evidence of record. This precedent has been reinforced in myriad decisions, and cannot be dispensed with. See, e.g., *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 USPQ2d 1456, 1459 (Fed. Cir. 2000) ("a showing of a suggestion, teaching, or motivation to combine the prior art references is an 'essential component of an obviousness holding'") (quoting *C.R. Bard, Inc., v. M3 Systems, Inc.*, 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998)); *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999) ("Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references."); *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998) (there must be some motivation, suggestion, or teaching of the desirability of making the specific combination that was made by the applicant); *In*

re Fine, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988) ("'teachings of references can be combined only if there is some suggestion or incentive to do so.'") (emphasis in original) (quoting *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984)); *In re Fritch*, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992) (*"It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious. [O]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."*) (quoting *In Re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988)).

The need for specificity pervades this authority. See, e.g., *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed").

The Merriam Reference

Merriam discloses a method and apparatus for locating buried objects, such as such as underground cables, prior to digging at a particular location. Merriam instructs that a positioning device is taken to the location where digging is to take place and receives positioning signals from one or more positioning stations. Based upon the positioning signals, the positioning device determines its current location and hence the location of the dig site. Once the current location is determined, a registry database containing the locations of previously buried objects is accessed. The registry database is queried for all locations within a

selected distance of the current location which have buried objects. If this query

returns no records, then Merriam instructs that it is probably safe to dig at the

current location. On the other hand, if the query returns one or more locations,

then Merriam instructs that further digging at the current location should either be

avoided or performed with great caution.

Merriam's Fig. 1 provides an illustration of its system, generally at 100.

There, system 100 comprises one or more positioning devices 102, a central

computer 104, and one or more positioning stations 106. Merriam instructs that

the positioning device 102 is the component that is taken to a dig site and that its

responsibility is to determine its own current location, and hence the current

location of the dig site. This determination is made based upon positioning signals

provided to the positioning device 102 by the positioning stations 106. Once the

current location is determined, the central computer 104 is consulted, via a

communications link 108, to determine whether there are any buried objects at or

near the current location. The central computer 104, which maintains a registry

database 110 of locations at which objects have been previously buried, makes this

determination by searching the database 110 for all locations within a certain

distance of the current location. Thereafter, the central computer 104 provides to

the positioning device 102, via the communications link 108, all of the locations

retrieved from the database 110. Based upon the location information received

from the central computer 104, the positioning device 102 provides to a user an

indication as to whether there are buried objects within relative close proximity to

the current location. This indication allows the user to determine whether he

should or should not dig at the current location.

The Wang Reference

Wang discloses communication systems for portable transceivers and methods and systems that trace the locations of portable transceivers.

Perhaps a good place to start a discussion of Wang is with its Fig. 1. There, Wang shows a hierarchical structure for a communication system 100. Wang instructs that covered area of the communication system 100 is organized into a hierarchical structure having several layers. The highest layer may be the earth 102 followed by country 104, state 106, area code 108, city 110, and the lowest layer (Layer 1) is a primary layer that comprises a plurality of independent paging regions (cells) 112. According to Wang, each region defines an area or location in which one may be paged. Each layer 1 cell comprises one or more base stations. Layer 1 may comprise a radio telephone communication system (e.g., Digital European Cordless Telephone).

As Wang instructs, each block in layers 2 through 6 (the secondary layers) is a communication service node representing a switching station having computing and memory means (i.e., all layers >1 are intelligent layers). The memory means (at each of the switching stations) comprises a database for tracking the location of customers (i.e., users of portable communication units that are registered in the system). Thus, what begins to emerge from a preliminary overview of Wang is a system in which transceivers are tracked by a number of geographically-separated switching stations, each with computing and memory means which includes a database to track customer locations.

The operation of Wang's system is probably best appreciated from its Fig. 5. There, Wang shows a diagram illustrating an example of how a customer or transceiver is traced via an address chain. In this example, an entity known as a

"called party" (unit 24) has a home address in cell 1,d, and a current address at cell 8,d. In a first case, the communication unit 20, located in cell 2,c, places a call to communication unit 24. To do this, Wang instructs that the communication unit 20 dials the home address number of the called party. The calling party's connection request is received by a base station at cell 2,c, and it is passed on to the Boynton node in layer 2. That is, the connection request is passed on to a different switching station with its own computing and memory means, as noted above.

At the Boynton node, the corresponding database is searched for an entry pertaining to the called party. In this case an entry is found in the database. The entry contains the home address (HA) of the called party and an "OUT" indication which indicates that the transceiver is outside of the covered region associated with the Boynton node. This being the case, the call is then forwarded along the address chain to the "407" node of layer 3, where the corresponding database also contains the home address of the called party and an "OUT" indication which indicates that the transceiver is outside of the covered region associated with the "407" node. Thus, the connection request is further traced up through the Florida node of layer 4, also indicating that the called party is "OUT". Then, in the U.S.A. node of layer 5, with its associated computing and memory means (i.e. database), indicates that the portable device 24 is in Georgia. The tracing then continues to the Georgia node, where the area code "404" is indicated. Thereafter, the tracing process continues to the "404" node, where "Atlanta" is indicated. Searching in the Atlanta database reveals the location of the portable communication unit 24, and the requested connection is made.

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PAGE 26/38 * RCVD AT 7/25/2005 5:18:19 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/36 * DNIS:2738300 * CSID:509 323 8979 * DURATION (mm-ss):10-06

With respect to updating and maintaining all of the databases, Wang instructs as follows. The database updating process is initiated by the portable communication units. Each base station continuously transmits its subsystem identification information. By monitoring this information from the surrounding bases, an active portable communication unit is able to select a desired base station (e.g., the strongest base) and lock on to it. Whenever a new strongest base station is found, up to two messages may be transmitted to the associated bases to update the address chains. The address of the base to which the portable communication unit is locking is called the current address and the address of the base of the new strongest base is called the new address.

The Claims

Claim 1 recites:

- determining whether any of a number of context providers are available to provide context information that can be processed by the computing device to ascertain its context;
- receiving context information from one or more of the context providers that are determined to be available; and
- processing the context information on the computing device to determine the context of the computing device, wherein the processing of the information comprises:
  - o mapping the context information to a node on a hierarchical tree structure that is carried on the device, the hierarchical tree structure comprising multiple nodes that represent physical or logical entities; and
  - o traversing one or more nodes of the tree structure to ascertain a complete context.

In making out the rejection of this claim, the Office argues that Merriam discloses all recited features but is "silent as to the specifics of how the location is

determined". The Office then characterizes Wang as *analogous art* (with respect to Merriam) and argues that it discloses a communication system with a hierarchical system of nodes organized into node trees. The Office notes that Wang's hierarchical system is capable of tracking the location of a transceiver as it moves between nodes of the tree structure. Given these two references, the Office argues that their combination would render the subject matter of this claim obvious. In support of its argument, the Office argues that the skilled artisan would have been motivated to modify Merriam with Wang's hierarchical system "in order to determine the location of the device".

Applicant respectfully disagrees with the Office's obviousness rejection and reminds the Office that, as noted above, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Here, Merriam and Wang contain no such suggestion or motivation. Furthermore, the Office bears the burden of explaining "why the combination of the teachings is proper." (MPEP §2142). Here, the Office's only attempt at such an explanation is to state that an artisan would have been motivated to modify Merriam with the teachings of Wang "in order to determine the location of the device". However, this reasoning is misplaced and fails to explain *why* the combination is proper because Merriam *already provides for* determining the position of the device.

For example, Applicant respectfully directs the Office's attention to column 3, lines 5-10, and column 3, line 64 through column 4, line 6, of Merriam, which are reproduced respectively below (emphasis added):

In system 100, the positioning device 102 is the component that is taken to a dig site. It is the responsibility of the positioning device 102 *to determine its own current location*, and hence the current location of the dig site. *This determination is made based upon positioning signals provided to the positioning device 102 by the positioning stations 106.*

Positioning system 218 comprises an input mechanism (such as a receiving mechanism) for *receiving positioning signals from the positioning stations* 106, a determining mechanism for *determining a current location based upon the positioning signals*, and an output mechanism for providing the current location to the processor 212. For purposes of the present invention, *the positioning system 218 is one that is capable of determining a current location accurate to within several feet.* Positioning systems 218 having this degree of granularity are currently commercially available.

Thus, it remains unclear why an artisan would have been motivated to modify Merriam with the teachings of Wang "in order to determine the location of the device" when Merriam *already provides for* determining the position of the device. Accordingly, the motivation to combine these references, i.e. to determine the location of the device, is misplaced at best. As such, the Office has failed to establish a *prima facie* case of obviousness and for at least this reason, this claim is allowable.

Furthermore, any motivation to modify Merriam with the teachings of Wang appears even less plausible when the disparity between these references is considered. Specifically, Merriam addresses the problem of locating buried objects prior to digging at a current location. In Merriam, a positioning device determines its current location and whether it is safe to dig *at that current location.* Thus, it is of no consequence where the positioning device has been in the past. Obviously then, Merriam's system and method has no need whatsoever

for tracking its positioning device because the only thing that is of any consequence with respect to the next location, is whether it is safe to dig at that next location. In contrast, Wang is directed toward an entirely different field of endeavor and is pertinent to an entirely different problem. Specifically, Wang is directed toward the problem of *tracking* customers in a personal communication system and teaches tracking the location of a transceiver as it moves between ports and trees of the system. Therefore, Merriam and Wang are properly characterized as *non-analogous* art with respect to each other, rather than *analogous art*, as the Office argues.

In this regard, Applicant reminds the Office, as noted above, that "[i]t is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious. [O]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." (quoting *In Re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988)). Applicant respectfully submits that here, in light of the Office's misplaced stated motivation and the disparity of Merriam and Wang, it appears that the Office has impermissibly used hindsight reconstruction by relying on Applicant's disclosure as an instruction manual or "template" to piece together the teachings of Merriam and Wang in such a way as to characterize this claim as obvious.

Additionally, Applicant submits that modifying Merriam by implementing Wang's hierarchical system would appear to render Merriam unsatisfactory for its intended purpose of locating buried objects such as telephone, coaxial, and fiber optic cables. Specifically, as noted above, in Wang the *covered area* is organized into a hierarchical structure having several layers, the lowest of which is

comprised of independent paging regions or cells. It would appear that a cell, as disclosed by Wang, would be a much larger area than would be required by Merriam to determine a device's location so as to be accurate to within several feet. Thus, modifying Merriam with such a system would render Merriam unsatisfactory for its intended purpose because, without such accuracy, Merriam's determining mechanism would be unable to ascertain whether small objects (such as a cable) are buried at a particular digging location. Applicant respectfully reminds the Office that "[i]f a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." (*In re Gordon*, 733 F.2d 900, 221 USPW 1125 (Fed. Cir. 1984); see also MPEP 2143.01).

Furthermore, such a modification to Merriam would impermissibly change its principle of operation because, as noted above, the positioning system device of Merriam comprises an input mechanism for receiving positioning station signals and a determining mechanism *based upon the received positioning signals*. In this way, the positioning device determines its current location and whether it is safe to dig at that current location. In Wang, a transceiver is tracked as it moves through ports and trees of the defined system. This is initiated by an entity initially calling a party, thus initiating a connection request. In this respect, as discussed above, transceivers in Wang are tracked by a number of geographically-separated switching stations and do not determine their location by receiving positioning system signals. Thus, modifying Merriam by implementing the teachings of Wang would radically alter the way in which the location of Merriam's positioning device would be determined. That is, with Wang's teaching incorporated therein, Merriam's device would no longer be able to determine its

own location. Rather, some other entity would have to determine Merriam's location for it. In this regard, Applicant respectfully reminds the Office that "[i]f the proposed modification of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." (MPEP 2143.01).

In view of the above discussion, the Office has not established a *prima facie* case of obviousness. Hence, for at least this reason, this claim is allowable.

Claims 2, 3 and 5-21 depend from claim 1 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither disclosed nor suggested in the references of record, either singly or in combination with one another. In addition, given the allowability of these claims, the rejection of claims 13 and 16-21 over the further combination with Ranger is not seen to add anything of significance.

Claim 22 recites one or more computer-readable media having computer-readable instructions thereon which, when executed by a computing device, cause the computing device to:

- determine whether any of a number of context providers are available to provide context information that can be processed by the computing device to ascertain its context;
- receive context information from one or more of the context providers that are determined to be available; and
- process the context information on the computing device to determine the context of the computing device by:
  o mapping the context information to a node on a hierarchical tree structure that is carried on the device, the hierarchical tree structure comprising multiple nodes that represent physical or logical entities; and

o traversing one or more nodes of the tree structure to ascertain a complete context.

In making out the rejection of this claim, the Office uses the same argument and reasoning as it did in making out the rejection of claim 1. As noted and for all of the reasons above, the Office has failed to establish a *prima facie* case of obviousness. As such, this claim is allowable.

Claims 23, 24 and 26-29 depend from claim 22 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 22, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 30 recites a method of determining the location of a computing device comprising:

- determining whether any of a number of location providers are available to provide location information that can be processed by the computing device to ascertain its location;
- receiving location information from one or more of the location providers that are determined to be available; and
- processing the location information on the computing device to determine the location of the computing device, wherein the processing of the information comprises:
  o mapping the location information to a node on a hierarchical tree structure that is carried on the device, the hierarchical tree structure comprising multiple nodes that represent physical or logical entities; and
  o traversing one or more nodes of the tree structure to ascertain a complete location.

In making out the rejection of this claim, the Office uses the same argument and reasoning as it did in making out the rejection of claim 1. As noted and for all

of the reasons above, the Office has failed to establish a *prima facie* case of obviousness. As such, this claim is allowable.

Claims 31, 32, and 34-49 depend from claim 30 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 30, are neither disclosed nor suggested in the references of record, either singly or in combination with one another. In addition, given the allowability of these claims, the rejection of claims 41 and 44-49 over the further combination with Ranger is not seen to add anything of significance.

Claim 50 recites one or more computer-readable media having computer-readable instructions thereon which, when executed by a computing device, cause the computing device to:

- determine whether any of a number of location providers are available to provide location information that can be processed by the computing device to ascertain its location;
- receive location information from one or more of the location providers that are determined to be available; and
- process the location information on the computing device to determine the location of the computing device by:
  - o mapping the context information to a node on a hierarchical tree structure that is carried on the device, the hierarchical tree structure comprising multiple nodes that represent physical or logical entities; and
  - o traversing one or more nodes of the tree structure to ascertain a complete context.

In making out the rejection of this claim, the Office uses the same argument and reasoning as it did in making out the rejection of claim 1. As noted and for all

of the reasons above, the Office has failed to establish a *prima facie* case of obviousness. As such, this claim is allowable.

Claims 51, 52, and 54-69 depend from claim 50 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 50, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 70 recites a method of determining a current context of a computing device comprising:

- determining a current context of the device by:
    - o receiving context information from multiple different context providers;
    - o mapping the context information to a node of a hierarchical tree structure that is carried by the device and having multiple nodes each of which represent a physical or logical entity; and
    - o traversing the hierarchical tree structure to ascertain a complete device context;
- receiving additional context information from one or more context providers; and
- updating the current context of the device by:
    - o mapping the context information to a node of the hierarchical tree structure that is carried by the device; and
    - o traversing the hierarchical tree structure to ascertain a complete device context.

In making out the rejection of this claim, the Office argues that Merriam discloses all recited features but is "silent as to the specifics of how the location is determined". In this respect, the Office Argues that Fig. 3 of Merriam shows transporting the device 302 and determining the current location 306 and that

1   "updating the context information when the location changes is inherently

2   implied". The Office then relies on Wang (characterizing it as "analogous art"

3   with respect to Merriam) and argues that it discloses a communication system with

4   a hierarchical system of nodes organized into node trees. The Office notes that

5   Wang's hierarchical system is capable of tracking the location of a transceiver as it

6   moves between nodes of the tree structure. Given these two references, the Office

7   argues that their combination would render the subject matter of this claim

8   obvious. In support of its argument, the Office argues that the skilled artisan

9   would have been motivated to modify Merriam with Wang's hierarchical system

10   "in order to determine the location of the device".

11   Applicant respectfully disagrees with the Office's obviousness rejection

12   and submits that, as discussed above, Merriam and Wang contain no suggestion or

13   motivation to modify Merriam with the teachings of Wang. In this regard, the

14   Office's stated motivation to combine these references, i.e. to determine the

15   location of the device, is misplaced and fails to explain *why* the combination is

16   proper because Merriam *already provides for* determining the position of the

17   device. In addition, it appears that the Office has impermissibly used hindsight

18   reconstruction by relying on Applicant's disclosure as an instruction manual or

19   "template" to piece together the teachings of Merriam and Wang in such a way as

20   to characterize this claim as obvious. Furthermore, as discussed above, modifying

21   Merriam by implementing Wang's hierarchical system would appear to render

22   Merriam unsatisfactory for its intended purpose and would impermissibly change

23   its principle of operation. As such, the Office has failed to establish a *prima facie*

24   case of obviousness and for at least this reason, this claim is allowable.

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In view of the above discussion, the Office has not established a *prima facie* case of obviousness. Hence, for at least this reason, this claim is allowable.

Claims 71-76 depend from claim 70 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 70, are neither disclosed nor suggested in the references of record, either singly or in combination with one another. In addition, given the Office's failure to establish a *prima facie* case of obviousness with regards to the combination of Merriam and Wang, the rejections of claims 71-73 over the further combination with Ranger are not seen to add anything of significance.

Claim 77 recites a computing device comprising:

- a computer-readable medium; and
- a context service module on the computer-readable medium and configured to process information from multiple different context providers to determine a current device context, the context service module being configured to:
  - o determine whether any of a number of context providers are available to provide context information that can be processed by the computing device to ascertain its context;
- receive context information from one or more of the context providers that are determined by the device to be available; and
- process the context information on the computing device to determine the context of the computing device *by:*
  - o mapping the context information to a node on a hierarchical tree structure that is carried on the device, the hierarchical tree structure comprising multiple nodes that represent physical or logical entities; and
  - o traversing one or more nodes of the tree structure to ascertain a complete context.

In making out the rejection of this claim, the Office uses the same argument and reasoning as it did in making out the rejection of claim 1. As noted and for all of the reasons above, the Office has failed to establish a *prima facie* case of obviousness. As such, this claim is allowable

Claims 78 and 79 depend from claim 77 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 77, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: 7/25/05
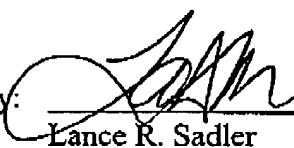
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